

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MONTEREY
TUESDAY, August 18, 2009
4:00 – 5:30 and 7:00 – 11:00 P.M.
COUNCIL CHAMBER, FEW MEMORIAL HALL
MONTEREY, CALIFORNIA

CALL TO ORDER:

Mayor Della Sala called the meeting to order at 4:00 p.m.

Council Members

Present: Councilmembers Downey, Haferman, Selfridge, Sollecito, Mayor Della Sala
Absent: None

City Staff:

Present: City Manager, City Attorney, Information Resources Director/City Clerk, Assistant City Manager, Fire Chief, Deputy Police Chief, Assistant Director Plans and & Public Works, Chief of Planning, Engineering, and Environmental Compliance, Public Facilities Director, Recreation and Community Services Director, Human Resources Director, Library Director, Principal Planner, Property & Housing Manager, Harbormaster

CONSENT ITEMS

Councilmember Downey requested removal of Item C15 from the Consent Agenda for discussion. Members of the public asked to remove Items C13 and C15.

On a motion by Councilmember Selfridge seconded by Councilmember Haferman, and carried by the following vote, the City Council approved the Consent Agenda, except Items C13 and C15 which were removed for discussion:

AYES:	5	COUNCILMEMBERS:	Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

Approval of Minutes

- C1. June 29, 2009 (Information Resources 701-09)
Action: Approved
- C2. July 7, 2009 (Information Resources 701-09)
Action: Approved
- C3. July 21, 2009 (Information Resources 701-09)
Action: Approved
- C4. July 29, 2009 (Information Resources 701-09)
Action: Approved

Award of Contracts

- C5. Award of Contract to Brannon Inc. (DBA Smith Electric Service) for Interior and Exterior Lighting Retrofit at Monterey Conference Center (Plans and Public Works 406-04)
Action: Adopted Resolution No. 09-121 C.S.

Resolutions

- C6. Amending Resolution 99-115 to Add New Administrative Citation Fines and Increase Other Fine Amounts (City Attorney 407-06)
Action: Adopted Resolution No. 09-122 C.S.
- C7. Resolution Authorizing the Police Department's Participation in a Grant Assistance Program (GAP) with the State of California Department of Alcoholic Beverage Control (ABC) for Fiscal Year 2009-2010 (Police 409-02)
Action: Adopted Resolution No. 09-123 C.S.
- C8. Resolution Transferring funds for July 4, 2010 Lawn Party (Recreation 406-04)
Action: Adopted Resolution No. 09-124 C.S.
- C9. Amending Resolution 08-178 Changing the Scope of Work for Mark Thomas & Company Program Management and Design Services ***NIP & CIP*** (Plans and Public Works 406-04)
Action: Adopted Resolution No. 09-125 C.S.
- C10. Amending Resolution No. 09-089 C.S. to Revise Scope of Work for the City of Monterey Street Reconstruction 2009 Abrego, Munras, Soledad, and Eldorado Project ***CIP*** (Plans and Public Works 406-04)
Action: Adopted Resolution No. 09-126 C.S. and Resolution No. 09-127 C.S.
- C11. Award of Contract to Clark Pest Control for the Pest Control Service Contract (Plans and Public Works 405-04)
Action: Adopted Resolution No. 09-128 C.S.
- C12. Rejecting Bids Received for the Power Washing Service Contract (Plans and Public Works 405-05)
Action: Adopted Resolution No. 09-129 C.S.
- C13. Rejecting Bids for the City of Monterey and Presidio of Monterey Elevator, Escalator, Wheelchair Lift, and Dumbwaiter Maintenance Service Contract (Plans and Public Works 405-05)
Action: Removed from consent; adopted Resolution No. 09-130 C.S.

Assistant Public Works Director Uslar gave a brief staff report.

Mayor Della Sala opened the floor for public comment. Wade Fernside, Otis Elevator, stated that his company wants to continue their relationship with the City of Monterey. Vaughn Oman, Otis Elevator, clarified that the omission from the bid package was caused by human error, and he asked that Council consider changing the policy so omissions from a bid package may be waived. With no further requests to speak, Mayor Della Sala closed public comment on the item.

Staff clarified the bid process and answered Councilmember questions, noting that the rules were clear but not met by the bidding vendors.

On a motion by Councilmember Haferman, seconded by Councilmember Sollecito, and carried by the following vote, the City Council adopted Resolution No 09-130 C.S. rejecting all bids:

AYES:	5	COUNCILMEMBERS: Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS: None
ABSENT:	0	COUNCILMEMBERS: None

- C14. Amending the 2009-10 Position Control List by Adding One Overfill Building Maintenance Craftworker Position until June 30, 2010 and Adding One New Building Maintenance Worker Position (Plans and Public Works 502-03)
Action: Adopted Resolution No. 09-131 C.S.
- C15. Adopting Planning Commission Recommendation to Approve a Resolution Directing Staff to Prepare Action Minutes in Place of Annotated Agendas (Plans and Public Works 701-15)
Action: Removed from consent; discussed; and tabled

Principal Planner Cole presented the staff report.

Mayor Della Sala opened public comment on the item. Howard Fosler, New Monterey Neighborhood Association, said that eight members of the association were present at a meeting where there was consensus that the current form of minutes is preferred. Bob Oliver said that even though there is a recording of the meeting, he is told that the written record is the record. He said that having more records is better. Having no further requests to speak, Mayor Della Sala returned the discussion to the dais.

Councilmember Downey said that she reads every Planning Commission packet, including their minutes, and she finds the summaries very helpful. She said that before going to action minutes, she would like to be able to bring up individual items on the video. Ms. Downey suggested that employees come in at noon if they have to stay late to cover a meeting. She said that she would like to get ECM implemented before approving this recommendation.

It was moved by Councilmember Downey, and seconded by Councilmember Sollecito, to table the item pending further research on how the new ECM system will assist staff in minutes preparation.

Councilmember Haferman agreed that reading background information takes less time than reviewing the recording. He agreed that comp time should be given to the employee that covers the meeting. Councilmember Sollecito agreed that waiting until ECM is in place is the best option.

City Clerk Gawf clarified some of the anticipated benefits of the ECM system, and said that from a parliamentarian point of view, objective action-oriented minutes are preferred. City Manager Meurer clarified that due to budget cuts staff is spread thin, so comp time might not be an option. He noted that it helps staff to know the Council's priorities in this area.

The motion carried by the following vote:

AYES:	5	COUNCILMEMBERS:	Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

- C16. Authorizing the Transfer of Funds - CERT Boxes Phase II (Citywide)***NIP*** (Plans and Public Works 406-04)
Action: Adopted Resolution No. 09-132 C.S.

- C17. Amending Traffic Resolution to Change Yield Signs to Stop Signs at Doud Avenue and Colton Street (Plans and Public Works 701-13)
Action: Adopted Resolution No. 09-133 C.S.

- C18. Approving Planning Commission Recommendation to Repeal and Replace Resolution No. 08-115 GreenPoints Requirements for Residential and Non-Residential Buildings, Resolution No. 08-116 GreenPoints Checklists for Residential and Non-Residential

Buildings, and Resolution No. 08-117 Establishing Incentives to Encourage Higher Achievement Pursuant to the Green Building Ordinance (Plans and Public Works 802-17)
Action: Adopted Resolution No. 09-134 C.S., Resolution No. 09-135 C.S., and Resolution No. 09-136 C.S.

C19. Approving Agreement to Provide Building Services to the City of Pacific Grove and Related Agreement with Employee Associations, and Amending Position Control List to Add a Building Inspector to the Building Safety and Inspection Division and Related Budget Adjustment (Plans and Public Works 502-03)
Action: Adopted Resolution No. 09-137 C.S., Resolution No. 09-138 C.S., and Resolution No. 09-139 C.S.

Other

C20. Authorizing Closed Session Conference Pursuant to Government Code Section 54956.8 with City Real Property Negotiators, Rick Marvin, Chip Rerig and Steve Scheiblaue to Provide Direction Regarding the Lease for Municipal Wharf 2 Concession Gino's Seafood (Plans and Public Works 704-07)
Action: Authorized

Council adjourned to an Ocean View Community Services District Meeting.

Ocean View Community Services District - Consent
 This Agency is a separate legal body of the City that oversees the operations of the Ocean View Community Services District desalinization plant. PUBLIC APPEARANCE items are reports on non-routine issues that might stimulate public discussion, but that do not require formal noticing as public hearings. You are welcome to offer your comments after being recognized by the Mayor. The Council may limit the time each speaker is allocated.

OV1. Ocean View Community Services District Quarterly Report (City Attorney 701-03)
Action: Report Received

Mayor Della Sala opened the floor for public comment on the item, and with no requests to speak, he closed the floor.

On a motion by Director Sollecito seconded by Director Downey, and carried by the following vote, the Ocean View Community Services District Board received the report:

AYES:	5	DIRECTORS:	Downey, Haferman, Selfridge, Sollecito, Della Sala
NOES:	0	DIRECTORS:	None
ABSENT:	0	DIRECTORS:	None

The OVPCSD Board of Directors adjourned back to the City Council Meeting.

PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Having no requests to speak, he closed Public Comments.

Mayor Della Sala opened the floor for public comments on Closed Session Item 1, no one came forward, and he closed the floor. He adjourned the meeting to a closed session at 4:41 p.m.

CLOSED SESSION

1. Conference Pursuant to Government Code Section 54956.8 with City Real Property Negotiators Rick Marvin, Chip Rerig and Steve Scheiblaue to Provide Status Report on Performance of the Lease for Municipal Wharf 2 Concession Gino's Seafood and Consider Request For Proposal Process for New Lease (To Be Authorized in Open

Session August 18, 2009) (Plans and Public Works 704-07)

Action: On a unanimous roll call vote, the City Council gave confidential direction to their negotiators

Mayor Della Sala called a recess at 5:30 p.m. and then reconvened the meeting in open session at 7:00 p.m., where all Councilmembers were present.

PRESENTATIONS

- P1. Recognition of Helen Reed, Former Camp Quien Sabe Director (Recreation 701-19)
Action: Recognition given

Mayor Della Sala gave recognition to Ms. Reed, and she made brief comments.

CONTINUED PUBLIC COMMENTS

Mayor Della Sala opened the floor for Public Comments on items not on the agenda. Ron LaMonto, Monterey resident, said that he was frustrated by the recent Town Hall meeting on health care, and he spoke in opposition to the plans currently being considered by the federal legislators. Seeing no further requests to speak Mayor Della Sala closed public comment.

PUBLIC HEARINGS

2. Consideration and Direction Whether to Accept and Process an Application for Major Project at 90 Wharf No. 1 (Concession #17) Proposing to Construct a Ticket Booth on the Main Deck Level Adjacent to the Stair Access to Concession' Lower Level Boat Deck (Plans and Public Works 701-13)
Action: Public Hearing held; accepted application (4-1; Downey voting no)

Property & Housing Manager Marvin presented the staff report.

Mayor Della Sala opened the Public Hearing. Anthony Lombardo, representing the applicant, said that the proposed ticket booth would contain 45 square feet and would be relatively unobtrusive. He said that the building is in compliance with the Wharf Master Plan. With no further requests to speak, Mayor Della Sala returned the discussion to the City Council.

It was moved by Councilmember Sollecito to accept the application for formal review, and the motion was seconded by Councilmember Selfridge.

Councilmember Downey said that she appreciates what the Shakes have done, but cannot support the motion because it interrupts the view. She said that she would support allowing an umbrella. On question, Mr. Marvin said that all other Wharf concessions were notified, and no comments were received. Councilmember Selfridge said that the proposed structure is small enough so that it does not interrupt the views. Councilmember Haferman agreed and said that the Wharf Master Plan needs to be updated. Mayor Della Sala said that he does not believe this would be a major impact to the Wharf. He suggested having more glass above the height of the railing.

The motion maker and seconder agreed to a condition requiring additional glass windows above the height of the rail, and the motion carried by the following vote:

AYES:	4	COUNCILMEMBERS: Haferman, Selfridge, Sollecito, Della Sala
NOES:	1	COUNCILMEMBERS: Downey
ABSENT:	0	COUNCILMEMBERS: None

COUNCIL COMMENTS

Councilmember Sollecito reported that he met with a member of the Historic Automobile Association, who is proposing the development of a Monterey museum for historic automobiles. He said that the California Transportation Commission will meet in Monterey on August 26 for a reception and a business meeting on August 27.

Councilmember Downey asked that a pointer be provided for presentations, along with larger font sizes on exhibits. Assistant City Manager Cohn said that a team of staff members is working on that issue now.

Councilmember Selfridge said that local fishermen are hosting a gala on Friday night, and exhibits and presentations this weekend at the Maritime Museum.

Mayor Della Sala reported on the Town Hall meeting held recently by Congressman Sam Farr. He thanked the City Manager and Police Department for maintaining order.

CITY MANAGER REPORTS

City Manager Meurer reported that the August 26 Study Session would be canceled. He said that having a full time Code Enforcement Officer has brought to light a number of enforcement issues. He said that the storm water plan under the State requirements is causing difficulties for businesses to comply. He reported that the EPA would soon begin inspections.

Council adjourned to closed session at 8:06 p.m.

CLOSED SESSION

3. Conference with Legal Counsel Initiation of Litigation Pursuant to Government Code §54956.9(c) - One Case (City Attorney 703-06)
Action: On a unanimous roll call vote, the City Council gave confidential direction to their negotiators
4. Public Employee Annual Performance Evaluation - Pursuant to Government Code Section 54957 - Titles: City Attorney and City Manager(Council 501-02)
Action: Received and discussed Report

ANNOUNCEMENTS FROM CLOSED SESSION

Information Resources Director/City Clerk Gawf made the announcements as noted above.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Della Sala adjourned the meeting at 9:20 p.m.

Respectfully Submitted,

Approved,

_____/s/_____
Bonnie Gawf
Information Resources Director/City Clerk

_____/s/_____
Chuck Della Sala
Mayor